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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,348	09/12/2003	Kim Tempest	19467-00009	6748
22334 PETER F WEII	7590 03/09/200 NBERG	9	EXAMINER	
GIBSON DUNN AND CRUTCHER LLP			FERNSTROM, KURT	
SUITE 4100 1801 CALIFORNIA STREET		ART UNIT	PAPER NUMBER	
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			03/09/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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CONTROL NO.		PATENT IN REEXAMINATION	

10661348 9/12/03 TEMPEST ET AL. 19467-00009

PETER F WEINBERG GIBSON DUNN AND CRUTCHER LLP SUITE 4100 1801 CALIFORNIA STREET DENVER, CO 80202 EXAMINER

Kurt Fernstrom

ART UNIT PAPER

3711 20090305

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## **Commissioner for Patents**

Applicant is advised that the "Grounds of Rejection" sections in the Appeal Brief entered November 7, 2008 and in the Examiner's Answer entered February 10, 2009 list claim 31 as pending. Claim 31 was cancelled in the response of October 6, 2006, and will not be reviewed on appeal.

/Kurt Fernstrom/ Primary Examiner, Art Unit 3711